

### **REMARKS/ARGUMENTS**

Applicant would like to thank the Examiner for granting the personal interview conducted on December 22, 2005. The application has been amended in view of the distinctions between the present invention and the cited prior art as discussed in the interview. Specifically, claim 1 is amended to require that the push button and the tightening member are fixed against rotation *in both directions* relative to each other, thereby excluding elements, such as a screw and a corresponding thread, that can be rotated in only one direction.

Claims 1, 2, 7, 8 and 10-13 were rejected under 35 U.S.C. 102(b) over U.S. Patent No. 5,879,100 to Winkler. As explained above, claim 1 has been amended for clarification. For the following reasons, the rejection has been rendered moot by the present amendment.

Regarding claim 1, Winkler does not teach a “push button being *fixed against rotation in both directions* relative to the tightening member (4), said push button (8) incorporating a seat (9) accessible from its operating surface (10) for engagement by a mounting/removal tool,” as required. Thus, claim 1 requires that the push button (8) containing the seat (9) does not rotate in either direction relative to the tightening member (4). As taught by Winkler, a screw (12) is threaded into a fastening element (15). Thus, unlike the invention of claim 1, the screw (12) is capable of rotating relative to the fastening element (15). Although, once fully tightened, the screw will not rotate in a fastening (e.g. clockwise) direction, applying appropriate torque to the screw (12) in an unfastening (e.g. counter-clockwise) direction will cause the screw (12) to rotate relative to the fastening element (15) and eventually become unscrewed therefrom. Thus, the screw (12) of Winkler does not meet the limitations of the “push button being fixed against rotation *in both directions*” as set forth in claim 1. Since every limitation of amended claim 1 is not taught by the reference, claim 1 and its dependent claims 2, 7, 8 and 10-13 are not

anticipated by Winkler.

Claims 3 and 4 were rejected under 35 U.S.C. 103(a) over Winkler. For the following reasons, the rejection has been rendered moot by the amendment of claim 1.

As explained above with regard to claim 1, from which claims 3 and 4 depend, Winkler does not teach that a “check element (8) is a control push button (8) projecting from said body (3), said push button being *fixed against rotation in both directions* relative to the tightening member (4), said push button (8) incorporating a seat (9) accessible from its operating surface (10) for engagement by a mounting/removal tool,” as required. Further there is nothing in Winkler that suggests modifying the teachings of Winkler to meet these limitations, such that the screw (12) is fixed against rotation *in both directions* relative to the fastening element (15). Since every limitation of amended claim 1 is not taught or suggested by the reference, dependent claims 3 and 4 are patentable over Winkler.

Claims 5 and 9 were rejected under 35 U.S.C. 103(a) over Winkler in view of U.S. Patent No.5,839,388 to Vadney. For the following reasons, the rejection has been rendered moot by the amendment of claim 1.

For the reasons explained above with regard to claims 1, 3 and 4, Winkler does not teach or suggest every limitation of claim 1, from which claims 5 and 9 depend. Likewise, Vadney does not teach or suggest the limitations of which Winkler is deficient. Vadney describes a fastener (31) having a driving tool-receiving configuration (40). The fastener (31) is used to secure a clip. There is no teaching or suggestion in Vadney to fix the fastener (31) against rotation relative to any member, as in claim 1. Since every limitation of amended claim 1 is not taught or suggested by the references, dependent claims 5 and 9 are patentable over Winkler, Vadney, and/or any combination thereof.